

**ARTICLE 11.07 FILED AND SET ISSUES**

**NO ARTICLE 11.07 APPLICATIONS WERE FILED AND SET FOR SUBMISSION  
THE WEEK OF AUGUST 24, 2016**

## **ALPHABETICAL LISTING WITHOUT ISSUES**

<b><u>WRIT NO.</u></b>	<b><u>NAME</u></b>	<b><u>DATE FILED AND SET</u></b>
WR-82,014-01	AGUILAR, CRISTIAN	04/06/2016
WR-83,014-01	BROUSSARD, KENNETH	03/09/2016
WR-79,040-02	DEAN, ALESHA	12/16/2015
WR-82,034-01	EUBANKS, RONALD J.	05/18/2016
WR-72,328-03	HARVIN, CLIFTON WAYNE	12/17/2014
WR-82,850-01, -02	JOHNSON, ANTHONY E.	10/07/2015
WR-82,867-01	LEA, DAVID RAY	04/06/2016
WR-83,458-01	LEWIS, DARREN D.	06/29/2016
WR-83,943-01	MCCLELLAN, KENNETH J.	12/09/2015
WR-83,551-01	OWENS, JAMES EDWARD III	04/13/2016
WR-84,073-01	PENA, MARTIN	11/18/2015
WR-84,238-01	SANCHEZ, SARINA	01/13/2016
WR-34,095-24	SEPEDA, ANTONIO	01/27/2016
WR-84,007-01	SHAY, PATRICK TAYLOR	12/16/2015
WR-31,454-03, -04	SMILEY, RODNEY E.	04/29/2015
WR-49,980-12 TO -16	ST. AUBIN, KEITH MICHAEL	06/15/2016
WR-78,545-02	TEMPLE, DAVID MARK	03/02/2016
WR-64,017-05	WIMBERLY, CHRISTOPHER E.	05/25/2016

## **NUMERICAL LISTING WITH FILED AND SET ISSUES**

**WR-31,454-03, -04**

**SMILEY, RODNEY E.**

**04/29/2015**

Whether there is a remedy when the Board of Pardons and Paroles fails to timely vote on an inmate's original discretionary mandatory supervision release date.

Whether the Texas Department of Criminal Justice's policy of not releasing an inmate to mandatory supervision on one concurrent sentence until the inmate is eligible for release on all concurrent sentences is legal.

**WR-34,095-24**

**SEPEDA, ANTONIO**

**01/27/2016**

Whether an applicant who contends that under § 508.1411 of the Government Code the Board of Pardons and Paroles's written notice violates due process has an adequate remedy in an application for a writ of habeas corpus when there is not a presumption of release to parole.

Assuming that an applicant does have an adequate remedy in a habeas application, whether § 508.1411 implicates due process and the Board of Pardons and Paroles's written notice satisfies due process.

Whether an application for a writ of mandamus is the proper remedy for such claims.

**WR-49,980-12 TO -16**

**ST. AUBIN, KEITH MICHAEL**

**06/15/2016**

Whether Applicant's claim that he was sentenced to multiple punishments in violation of the Double Jeopardy Clause is procedurally barred under Article 11.07, § 4 of the Code of Criminal Procedure.

**WR-64,017-05**

**WIMBERLY, CHRISTOPHER E.**

**05/25/2016**

Whether Applicant has established that he is actually innocent of aggravated robbery.

**WR-72,328-03**

**HARVIN, CLIFTON WAYNE**

**12/17/2014**

Whether trial counsel rendered Applicant's no contest plea involuntary.

**WR-78,545-02**

**TEMPLE, DAVID MARK**

**03/02/2016**

Whether the prosecution engaged in misconduct and violated Applicant's due process rights.

Whether trial counsel rendered ineffective assistance.

**WR-79,040-02**

**DEAN, ALESHA**

**12/16/2015**

Whether trial counsel rendered Applicant's guilty plea involuntary.

**WR-82,014-01**

**AGUILAR, CRISTIAN**

**04/06/2016**

Whether the holding in *Padilla v. Kentucky*, 559 U.S. 356 (2010), applies to the facts in Applicant's case.

Whether Applicant was prejudiced or harmed, given that deportation proceedings have not been initiated in his case.

Notwithstanding *Padilla*, whether a defendant's guilty or no contest plea will be rendered involuntary if counsel affirmatively misadvises a defendant about the immigration consequences of his plea.

**WR-82,034-01**

**EUBANKS, RONALD J.**

**05/18/2016**

Whether Applicant is entitled to relief under Article 11.073 of the Code of Criminal Procedure.

**WR-82,850-01, -02**

**JOHNSON, ANTHONY E.**

**10/07/2015**

Whether the harm standard set out in *Vasquez v. State*, 830 S.W.2d 948 (Tex. Crim. App. 1992), is the proper standard when trial counsel fails to request a jury instruction.

Whether trial counsel rendered ineffective assistance.

**WR-82,867-01**

**LEA, DAVID RAY**

**04/06/2016**

Whether Applicant's judgment revoking his probation should be set aside if a statute has been declared unconstitutional and in that probation revocation proceeding, the prosecution alleged, before the statute was declared unconstitutional, that Applicant had violated the statute.

**WR-83,014-01**

**BROUSSARD, KENNETH**

**03/09/2016**

Whether Applicant's plea was involuntary.

**WR-83,458-01**

**LEWIS, DARREN D.**

**06/29/2016**

Whether Applicant's plea was involuntary.

**WR-83,551-01**

**OWENS, JAMES EDWARD III**

**04/13/2016**

Whether Applicant is entitled to relief under this Court's holding in *Ex parte Coty*, 418 S.W.3d 597 (Tex. Crim. App. 2014).

**WR-83,943-01**

**MCCLELLAN, KENNETH J.**

**12/09/2015**

Whether an applicant may facially challenge the constitutionality of a statute, which has not been previously held unconstitutional, for the first time in a post-conviction habeas application.

Assuming that an applicant may do so, whether § 33.021(c) and (d) of the Penal Code are overbroad and vague in violation of the First Amendment.

**WR-84,007-01**

**SHAY, PATRICK TAYLOR**

**12/16/2015**

Whether an applicant who negotiates a "very favorable plea agreement" that results in a conviction the statute of which is subsequently found unconstitutional is collaterally estopped from arguing that he was convicted pursuant to an unconstitutional statute.

**WR-84,073-01**

**PENA, MARTIN**

**11/18/2015**

Whether the police misconduct in Applicant's case should be imputed to the prosecution for purposes of Applicant's claim that the prosecution violated *Brady v. Maryland*, 373 U.S. 83 (1963).

Whether this misconduct is exculpatory.

Whether Applicant's plea was involuntary because of "impermissible conduct by state agents." *Brady v. United States*, 397 U.S. 742, 757 (1970).

**WR-84,238-01**

**SANCHEZ, SARINA**

**01/13/2016**

Whether trial counsel rendered Applicant's guilty plea involuntary.